

Notice of Allowability

Application No.

10/801,983

Examiner

David N. Werner

Applicant(s)

CHIANG WEI YIN ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 20 November 2007.
2. ☒ The allowed claim(s) is/are 1-6, 8-19, 21-24 and 26-41.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. This Office action is responsive to communications filed on 20 November 2007, in reply to the Non-Final Rejection of 22 August 2007. Currently, claims 1-6, 8-19, 21-24, and 26-41 are pending. Claims 7, 20, and 25 have been cancelled. Claims 38-41 are new.

2. In the previous Office action, claims 4-6 were rejected under 35 U.S.C. 112, second paragraph as incomplete for omitting essential steps, claim 20 was rejected under 35 U.S.C. 112, second paragraph as lacking antecedent basis, claims 1-3, 7-10, 20, 21, 23, 24, 26, and 32-35 were rejected under 35 U.S.C. 102(b) as anticipated by US Patent Application Publication 2002/0181595 A1 (Obata et al.), claims 4-6 were rejected under 35 U.S.C. 103(a) as obvious over Obata et al. in view of US Patent 5,910,824 A (Yu), claims 11, 13, and 22 were rejected under 35 U.S.C. 103(a) as obvious over Obata et al. in view of US Patent 5,907,374 A (Liu), claims 14-19 were rejected under 35 U.S.C. 103(a) as obvious over Obata et al. in view of Liu and in view of "A Scene Adaptive One-Pass Variable Bit Rate Video Coding Method for Storage Media" (Yokoyama et al.), claim 12 was rejected under 35 U.S.C. 103(a) as obvious over Obata et al. in view of US Patent 6,400,763 B1 (Wee), and claims 36-37 were rejected under 35 U.S.C. 103(a) as unpatentable over Obata et al. in view of US Patent 5,370,143 A (Oh). Claims 25 and 27-31 were found to have allowable subject matter, but were objected to as dependent on rejected base claims. In addition, figure 1 and claim 21 were objected to on informalities.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Iannucci on 10 December 2007.

In claim 1, please replace the final two indentations with the following:

- (ii) determining macroblock complexity in the video frame;
- (iii) determining picture statistics of the video frame; *and*

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~~and~~ wherein said picture statistics include DCT type, DC compression factor, picture complexity, a picture bit count of AC coefficients, and a picture bit count of DC coefficients, wherein said picture bit count of DC coefficients is determined as the summed accumulation of bit counts of DC coefficients from intra-coded macroblocks multiplied by the DC compression factor and accumulation of estimated bit count of DC coefficients from the inter-coded macroblocks.

In claim 34, please replace the final two indentations with the following:

- (ii) means for determining macroblock complexity in the video frame;
- (iii) means for determining picture statistics of the video frame; *and*

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MD and wherein said picture statistics include DCT type, DC compression factor, picture complexity, a picture bit count of AC coefficients, and a picture bit count of DC coefficients, wherein said picture bit count of DC coefficients is determined as the summed accumulation of bit counts of DC coefficients from intra-coded macroblocks multiplied by the DC compression factor and accumulation of estimated bit count of DC coefficients from the inter-coded macroblocks.

Drawings

4. Replacement drawings were received on 20 November 2007. These drawings are acceptable. The objection to the drawings for missing a "PRIOR ART" label has been withdrawn.

Response to Amendment

5. Applicant's amendment to claim 21 has been fully considered. The objection to the claim on formalities has been withdrawn.

6. Applicant's amendment to claim 4 has been fully considered. The objection to claims 4-6 under 35 U.S.C. 112, second paragraph has been withdrawn.

7. Applicant's amendment to claim 20 has been fully considered. The objection to the claim under 35 U.S.C. 112, second paragraph has been withdrawn.

Allowable Subject Matter

8. Claims 1-6, 8-19, 21-24, and 26-41 are allowed.

9. The following is an examiner's statement of reasons for allowance: All independent claims are now directed towards subject matter previously indicated as allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication 2002/0067768 A1 (Hurst) teaches a video transcoder that performs requantization based on several "control parameters". US Patent Application Publication 2003/0215011 A1 (Wang et al.) teaches a transcoder that partially decompresses video data for requantization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571) 272-9662. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri, can be reached on (571) 272-7418. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600